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September 19, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

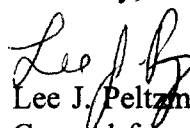
Re: MM Docket No. 94-84
Amendment of Section 73.202(b)
FM Table of Allotments
(Robstown, Gregory, and Driscoll, Texas)

Dear Mr. Caton:

Transmitted herewith, on behalf of Cotton Broadcasting, is an original and four (4) copies of its Comments in the above-referenced rulemaking.

Should questions arise concerning this filing, please communicate with this office.

Sincerely,


Lee J. Beltzman
Counsel for

COTTON BROADCASTING

Enclosure

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:

Amendment of Section 73.202(b)
FM Table of Allotments
(Robstown, Gregory, and Driscoll, Texas)

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MM DOCKET NO. 94-84
RM-8478

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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COMMENTS

Cotton Broadcasting ("Cotton" or "petitioner"), licensee of Station KMIQ(FM), Robstown, Texas, by its attorney, hereby respectfully files its Comments in the above-captioned rule making. By Notice of Proposed Rule Making, DA 94-782, released July 27, 1994 ("NPRM"), the Commission proposed to amend its Table of Allotments to substitute Channel 283C3 for channel 286A, reallocate Channel 283C3 from Robstown to Driscoll, Texas, and delete vacant Channel 283A at Gregory, Texas. The NPRM also proposed the concurrent modification of petitioner's license to specify Driscoll as its community of license.

The NPRM requested that petitioner provide information showing the areas and populations which will receive new service and the areas and populations which will lose existing service in the event Channel 283C3 is allotted to Driscoll. Attached hereto is a Technical Statement establishing that the proposed allotment of Channel 283C3 to Driscoll will result in service to an area of 4,798 sq. km., and 315,184 persons, whereas existing Channel 286A serves a much smaller area of 1,689 sq. km., and 71,135 persons, an increase in population served of

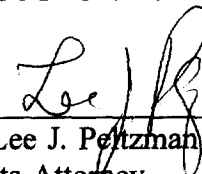
well over 400 percent.^{1/} Additionally, importantly, as a consequence of the substitution and reallocation, there will be no loss of existing service. Moreover, the adoption of the Driscoll proposal will result in the provision of a first local aural transmission service to that community. Clearly, the public interest would be served by adoption of the instant rule making proposal.

Accordingly, for the reasons stated above, petitioner requests that the Commission adopt its NPRM which proposes to delete Channel 283A at Gregory, Texas, and substitute 283C3 for Channel 286A, and reallocate Channel 283C3 to Driscoll, Texas, as that community's first local aural transmission service and concurrently modify the license for Station KMIQ(FM) to specify operation on Channel 283C3 at Driscoll, Texas. In the event that Channel 283C3 is allotted to Driscoll, petitioner will promptly file an application for construction permit and, once that application is granted, will immediately construct its station and commence operations on Channel 283C3.

Respectfully submitted,

COTTON BROADCASTING

By:



Lee J. Peltzman
Its Attorney

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202/416-1633

September 19, 1994

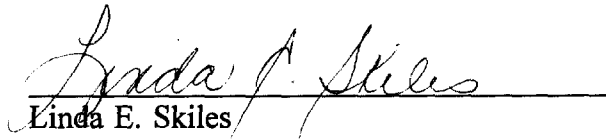
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^{1/} It should also be noted that Hispanics would represent 54% (169,967 persons) of the total service area population. Moreover, Cotton is 100% owned and operated by Hispanics and its programming is in the Spanish language.

CERTIFICATE OF SERVICE

I, Linda E. Skiles, Office Administrator of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were mailed this 19th day of September, 1994, to the offices of the following:

Mr. Douglas W. Webbink, Chief
Policy and Rules Division
Federal Communications Commission
2025 M Street, N. W. - Room 8010E
Washington, D. C. 20554


Linda E. Skiles

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TECHNICAL STATEMENT
SUPPLEMENTAL INFORMATION
NPRM - MM DOCKET 94-84, RM-8478
COTTON BROADCASTING

KMIQ, CHANNEL 283C3
DRISCOLL, TEXAS

SEPTEMBER, 1994

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WILLOUGHBY & VOSS

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WILLOUGHBY & VOSS

SUPPLEMENTAL INFORMATION
MM DOCKET 94-84, RM-8478
KMIQ-FM, CHANNEL 283C3, DRISCOLL, TEXAS
COTTON BROADCASTING, KMIQ
SEPTEMBER, 1994

INTRODUCTION

The Commission has before it a Petition for Rule Making (MM Docket 94-84, RM-8478) to amend the FM Table of Allotments (§73.202(b)), by deleting the vacant allotment, Channel 283A at Gregory, Texas, by deleting the current assignment of KMIQ Channel 286A at Robstown and adding KMIQ Channel 283C3 at Driscoll, Texas.

In considering the proposal, the Allocations Branch has requested supplemental information regarding area and population lost, area and population gained, and an assessment of the number of reception services which are now available within the gain and loss areas.

STUDY RESULTS

The existing KMIQ Channel 286A facility at Robstown, Texas, provides 60 dBu (1.0 mV/m) service to an area of 1,689 sq.km. which encompasses a population of 71,135 persons. The proposed KMIQ Channel 283C3 upgrade at Driscoll, Texas, will provide 60 dBu service to an area of 4,798 sq.km. which encompasses a population of 315,184 persons.

Inasmuch as the existing KMIQ 60 dBu contour is totally contained within the proposed KMIQ 60 dBu contour, there is no area lost. The area gained, which will receive new 60 dBu service, is 3,109 sq.km.

As detailed in Exhibit A, the least served area, within any of the three pertinent interference free service areas, receives 60 dBu FM service from a minimum of four stations and 2.0 mV/m AM service from a minimum of six stations (10 aural services).

COTTON BROADCASTING, KMIQ
TECHNICAL STATEMENT

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The least served area encompassed by the Vacant 283A allotment at Gregory receives 60 dBu FM service from a minimum of nine stations and 2.0 mV/m AM service from a minimum of six stations. Seventy percent of the Vacant Allotment service area receives 60 dBu and/or 2.0 mV/m signals from 16 or more stations.

The KMIQ existing area and the KMIQ area gained, as a result of the adoption of the instant move/upgrade proposal, receive more than 10 aural services.

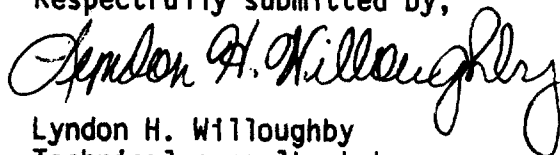
While neither the existing area, nor the gained area can be considered "underserved", the adoption of this proposal will provide first local service to Driscoll, Texas, and provide for efficient spectrum utilization.

CONCLUSION

Consideration of the facts contained in both the initial proposal and this supplemental showing support the compelling public interest benefit to be gained by the adoption of the proposed rule making. The upgrade of KMIQ from Channel 286A to 283C3 and its reassignment from Robstown to Driscoll, Texas, is consistent with the Commission's allotment and public interest policies and therefore, should be adopted.

Respectfully submitted by,

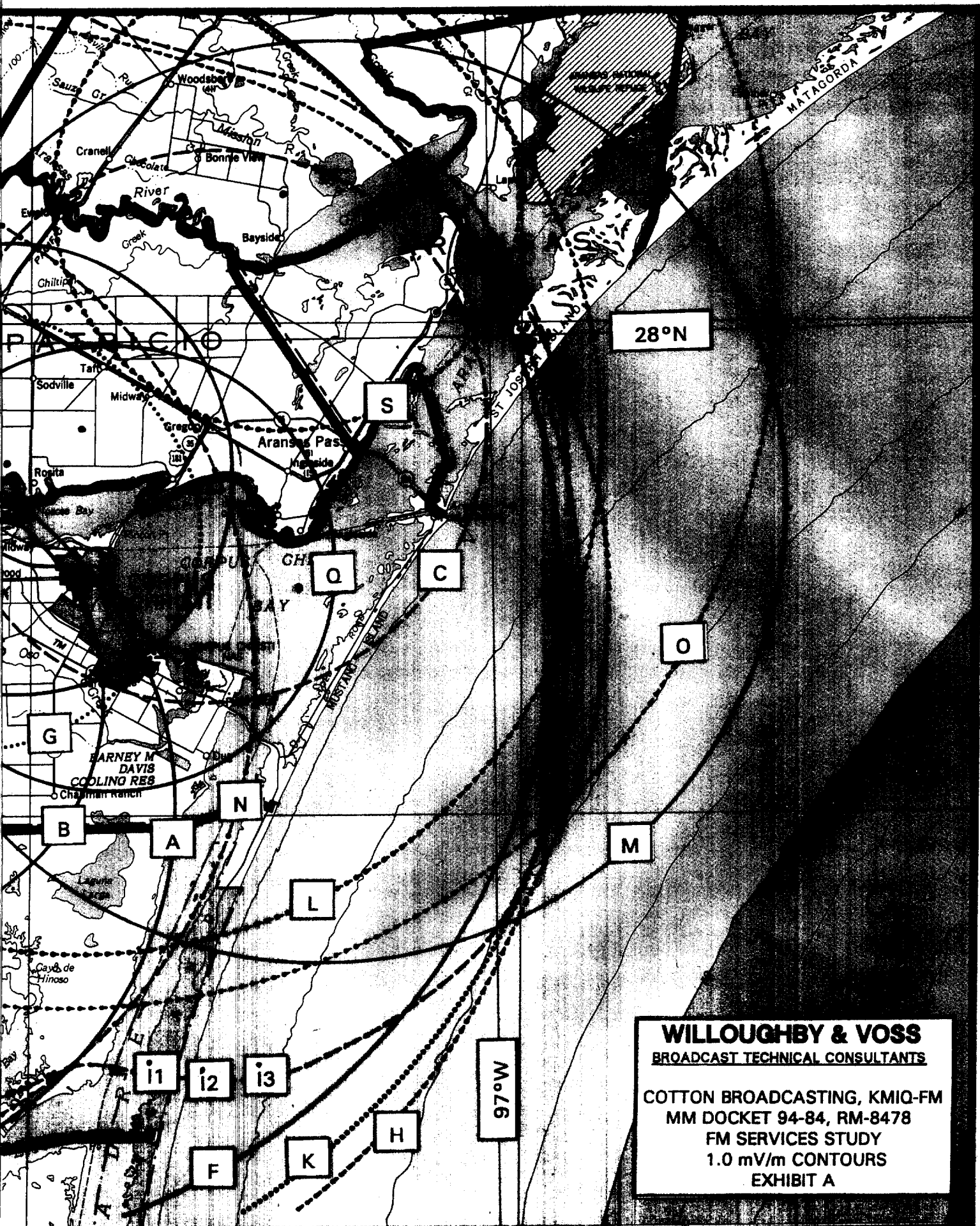
September 15, 1994



Lyndon H. Willoughby
Technical consultant to:

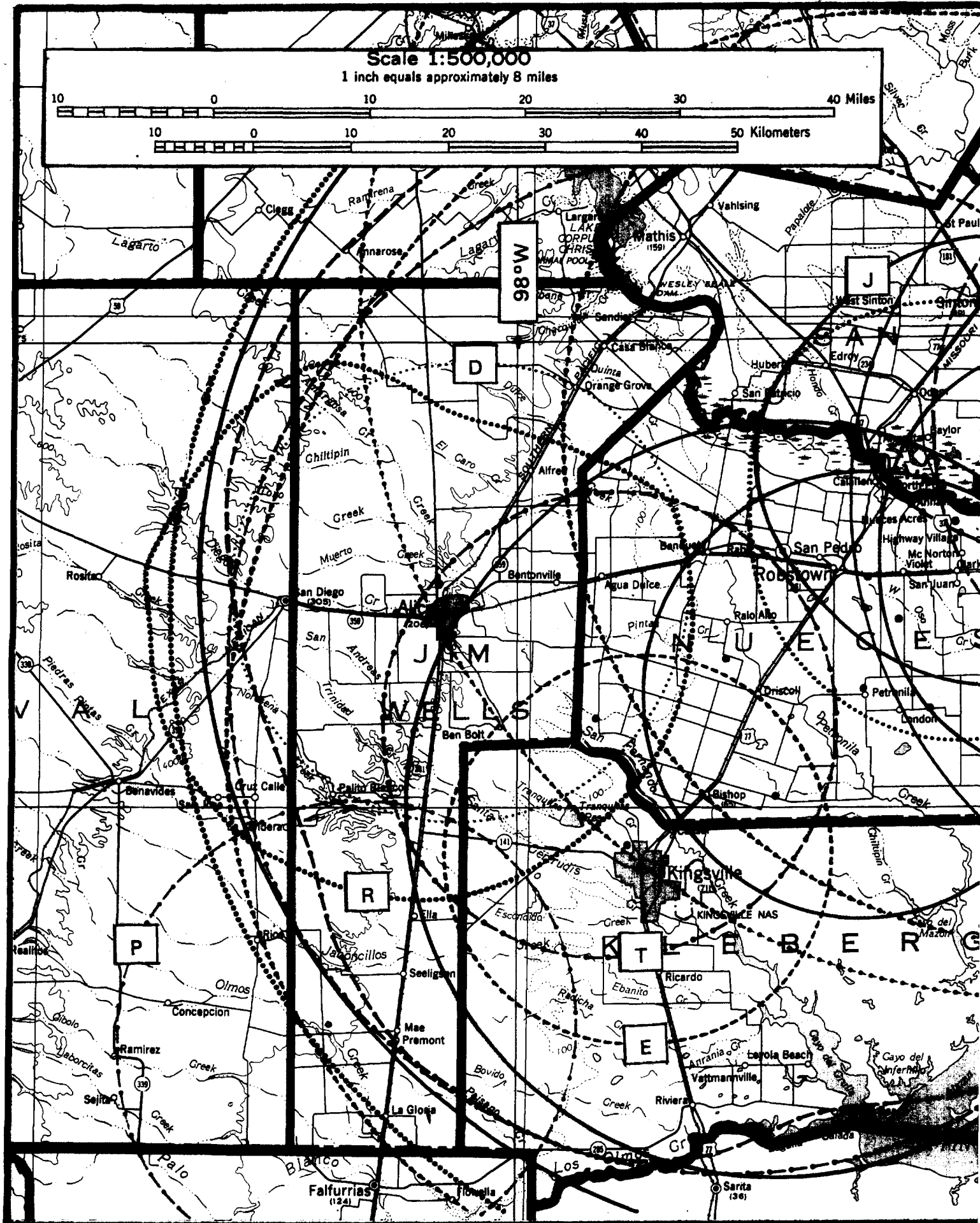
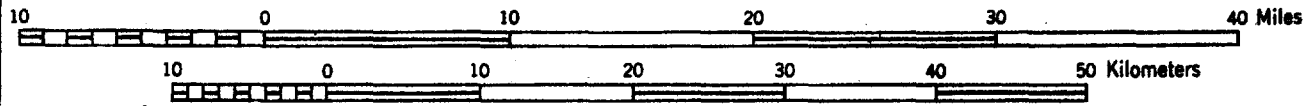
Cotton Broadcasting, KMIQ

COTTON BROADCASTING, KMIQ
TECHNICAL STATEMENT



Scale 1:500,000

1 inch equals approximately 8 miles



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LEGEND AND BASIS FOR 60 dBu CONTOUR MAP

<u>#</u>	<u>CALL</u>	<u>CHAN.</u>	<u>COMMUNITY OF LICENSE</u>	<u>FCC FILE NUMBER</u>
A	KMIQ	283C3	Driscoll, Texas	PRM-MM Doc.94-84
B	KMIQ	286A	Robstown, Texas	BLH-821104AG
C	VCNT	283A	Gregory, Texas	PRM-DELETION
D	KQNN	221A	Alice, Texas	BMLH-920821KA
E	KNGV	224A	Kingsville, Texas	BLH-811124BA
F	KMXR	230C1	Corpus Christi, Texas	BLH-4670
G	KBSO	234A	Corpus Christi, Texas	BLH-920720KG
H	KZFM	238C	Corpus Christi, Texas	BLH-871029KD
I	KLTG	243C1	Corpus Christi, Texas	BLH-910213KA
I	KWVS	248C1	Kingsville, Texas	BLH-890130KC
I	KSAB	260C1	Robstown, Texas	BLH-910723KB
J	KKHQ	252A	Odem, Texas	BLH-850411LA
K	KRYS	256C1	Corpus Christi, Texas	BLH-910503KC
L	KNCN	267C1	Sinton, Texas	BMLH-575
M	KXCC	272C2	Rockport, Texas	BPH-920302IG
N	KBIC	275C2	Alice, Texas	BPH-900328IH
O	KOUL	279C1	Sinton, Texas	BLH-860424KB
P	KMFM	285A	Premont, Texas	BLH-860707KF
Q	KRAD	288A	Portland, Texas	BLH-850425KR
R	KUKA	290A	San Diego, Texas	BLH-930719KC
S	KZTX	292A	Refugio, Texas	BLH-790928AH
T	KFLZ	296A	Bishop, Texas	BLH-800620AB

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AM STATIONS WHICH PROVIDE 2.0 mV/m SERVICE IN WHOLE OR PART TO THE PERTINENT PRM AREAS

<u>#</u>	<u>CALL</u>	<u>FREQ.</u>	<u>COMMUNITY OF LICENSE</u>	<u>FACILITIES</u>
1	KCTA	1030	Corpus Christi, Texas	50.0 kW, ND
2	KCCT	1150	Corpus Christi, Texas	1.0 kW, DA
3	KSIX	1230	Corpus Christi, Texas	1.0 kW, ND
4	KRYS	1360	Corpus Christi, Texas	1.0 kW, ND
5	KUNO	1400	Corpus Christi, Texas	1.0 kW, ND
6	KEYS	1440	Corpus Christi, Texas	1.0 kW, ND

All contours were calculated using the operating parameters contained in the FCC AM Engineering Database. The distances to contours were derived on the basis of M3 ground conductivities utilizing the pertinent graphs from §73.184(f).

Inasmuch as Map Exhibit A adequately demonstrates that neither the KMIQ proposed 60 dBu area, nor the existing KMIQ 60 dBu area, nor the proposed deletion area of the vacant Gregory Allotment are underserved, the above listed AM contours were not depicted on the map. Study was performed to support the assertion that these facilities do provide 2.0 mV/m service to all or part of each FM 60 dBu contour areas.